

ENTERED

June 03, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CORTRIE GAINES,

Plaintiff,

V.

**TIMOTHY VIGIL AND HITTMAN
TRANSPORTATION SERVICES, INC.,**

Defendants.

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CIVIL ACTION NO. 4:21-CV-1605

MEMORANDUM AND RECOMMENDATION

Pending before the Court¹ is Plaintiff Cortrie Gaines's unopposed Motion to Remand.² The Court **RECOMMENDS** that the unopposed Motion to Remand be **GRANTED**.

Defendant's evidence fails to prove by a preponderance of the evidence that the amount in controversy exceeds \$75,000.00. Therefore, Defendant has failed to establish federal jurisdiction in the case.

Accordingly, the Court **RECOMMENDS** that Plaintiff's unopposed Motion to Remand be **GRANTED**.

The Clerk shall send copies of this Memorandum and Recommendation to the respective parties who have fourteen days from the receipt thereof to file written objections thereto pursuant to Federal Rule of Civil Procedure 72(b) and General Order 2002-13. Failure to file written objections within the time period mentioned shall bar an aggrieved party from attacking the factual

¹ This case was referred to the Undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(A) and (B), the Cost and Delay Reduction Plan under the Civil Justice Reform Act, and Federal Rule of Civil Procedure 72. (See Dkt. No. 5.)

² Dkt. No. 6.

findings and legal conclusions on appeal.

The original of any written objections shall be filed with the United States District Clerk electronically. Copies of such objections shall be mailed to opposing parties and to the chambers of the Undersigned, 515 Rusk, Suite 7019, Houston, Texas 77002.

SIGNED in Houston, Texas on June 2, 2021.



Sam S. Sheldon
United States Magistrate Judge